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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/753,073

01/08/2004

Jacques Paris

04000CIP

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23338

7590

09/01/2006

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EXAMINER

CHOI, FRANK I

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/753,073	PARIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frank I. Choi	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10,13-16 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10,13-16, 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/284,147.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/30/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Specification***

The substitute Specification filed March 14, 2006 is acceptable

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10, 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Specification states that when the hormonal combination is given for a contraceptive purpose, the aim of the norgestrel acetate is to stop ovulation and the aim of the estrogenic compound is to compensate for hypoestrogenia and ensure a better control of the cycle (Specification, page 7, lines 20-30). As such, the Specification does not disclose continuous administration with respect to achieving contraception; only cyclic administration by daily administering the composition from 21 to 25 days per month or 21 to 28 days, starting on the first day of the menstrual cycle (Specification, page 7, lines 1-5, Page 11, lines 4-7). Claims 1-10 do not indicate cyclic administration by daily orally administering the hormonal product for 21 to 25 days per month and claim 34 does not indicate the same or daily administration for 21 to 28 days, starting on the first day of the menstrual cycle. As such, the claims lack written description support from the Specification as originally filed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 13-16, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamin, Rev. fr. Gynécol.Obstét (1992), Vol. 87, No. 6, pp. 370-376 in view of Martindale (1993), Bazin et al., Paris et al. and Hodgen (US Pat. 5,552,394).

Jamin discloses a combination of 5 mg/day of norgestrel acetate and transdermal estradiol at 50 mcg/day administered to eighteen (18) women aged 19-40 who had experience menstrual problems and/or low levels of estradiol with high dose of progestins in a period of use that ranged from 3 months to 3 years and a total of 272 cycles of 20 days/28 in which no pregnancies occurred and cycle control was good, and clinical tolerance was excellent (See entire document, especially Abstract and pgs. 370-372, 375). It is disclosed that the disadvantage of progestin only contraception is that hypoestrogenemia is not desired in females with metabolic anomalies or healthy females above 40 years of age (Page 374). It is also disclosed that sufficient levels of estrogen are necessary to avoid premature bone loss and for many other reasons, including metabolic reasons such as enhanced clearing of LDL and production of HDL (page 347).

Martindale (1993) discloses that for administration by mouth, that estradiol or estradiol valerate are normally employed at doses of 1 to 2 mg daily and that estradiol may also be used topically as transdermal skin patches to provide a systemic effect with patches available which

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release upto 100 micrograms of oestradiol daily (page 1191). It is disclosed that for equine conjugated oestrogens doses of 0.3 to 1.25 mg daily are given (page 1192). It is disclosed that combined oral contraceptives containing both an oestrogen and progestogen in a fixed proportion are the most effective type for general use and are taken for 21 days or occasionally 22 days followed by an interval of 7 or 6 days when menstrual bleeding will occur (Page 1177). It is disclosed that combined oral contraceptives appear to act by suppressing the mid-cycle peak of LH and FSH, thereby inhibiting ovulation and that both the estrogen and progestogen constituents have this property (page 1177).

Bazin et al. disclose that doses of 1.25, 2.5 and 5 mg/day of nomegestrol acetate are effective in inhibiting ovulation and that doses of 2.5 and 5 mg/day results in very low oestradiol levels (Page 1202).

Paris et al. disclose that nomegestrol has no side effects such as androgenic activity (Page 710, Summary).

Hodgen discloses the combination of estrogen and progestin for 23-25 consecutive days of a 28 day cycle, preferably 24 days using tablets containing both the estrogen and progestin and then for 4 days with placebo which is disclosed to be effective for contraception (Column 3, lines 50-61, Column 3, lines 44-50). It is disclosed that useable estrogens include esters of estradiol, such as valerate, and conjugated equine estrogens (Column 4, lines 13-16). It is disclosed that different estrogens and progestins can be employed and that correlations in potency between the various estrogens and progestins are known (Column 4, lines 1-23).

The prior art discloses the combination of 5 mg/day nomegestrol acetate and 50 micrograms/day transdermal estradiol administered for 20 days of a 28 day cycle. The difference

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between the prior art and the claimed invention is that the prior art does not expressly disclose the combination of norgestrel and estradiol in a single oral composition in the claimed range amounts. However, the prior art amply suggests the prior art discloses that oral contraceptives and use of the same are well known, including combinations of estrogen and progestogen and cycles of administration, such as 20, 21, 22, 23-25 days, that norgestrel acetate at doses falling within the claimed amounts result in very low estradiol levels and the prior art discloses equivalent dosages for estrogens including dosages of oral estradiol, esters thereof and conjugated estrogens that fall within the claimed ranges. As such, it would have been well within the skill of and one of ordinary skill in the art would have been motivated to combine norgestrel and estradiol in a single oral dose for purposes of convenience, i.e. the patient would only have to remember to take a single dosage form a day as opposed to having to remember to self-administer two dosage forms and would be motivated to vary doses and periods of administration depending on effectiveness in reducing the risk of pregnancy and avoiding low estradiol levels due to the norgestrel. Further, one of ordinary skill in the art would expect that any pharmaceutically acceptable form of estradiol could be used with the expectation that the combination of the same with norgestrel would be effective in contraception.

Examiner has duly considered Applicant's arguments and declaration but deems them unpersuasive for the reasons set forth in the prior Office Action and the further reasons below.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, the test for obviousness

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is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In the case where the claimed ranges “overlap or lie inside ranges disclosed by the prior art” a prima facie case of obviousness exists. *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990) (The prior art taught carbon monoxide concentrations of “about 1-5%” while the claim was limited to “more than 5%.” The court held that “about 1-5%” allowed for concentrations slightly above 5% thus the ranges overlapped.); *In re Geisler*, 116 F.3d 1465, 1469-71, 43 USPQ2d 1362, 1365-66 (Fed. Cir. 1997) (Claim reciting thickness of a protective layer as falling within a range of “50 to 100 Angstroms” considered prima facie obvious in view of prior art reference teaching that “for suitable protection, the thickness of the protective layer should be not less than about 10 nm [i.e., 100 Angstroms].” The court stated that “by stating that suitable protection’ is provided if the protective layer is about’ 100 Angstroms thick, [the prior art reference] directly teaches the use of a thickness within [applicant’s] claimed range.”). Similarly, a prima facie case of obviousness exists where the claimed ranges and prior art ranges do not overlap but are close enough that one skilled in the art would have expected them to have the same properties. *Titanium Metals Corp. of America v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985) (Court held as proper a rejection of a claim directed to an alloy of “having 0.8% nickel, 0.3% molybdenum, up to 0.1% iron, balance titanium” as obvious over a reference disclosing alloys of 0.75% nickel, 0.25%

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molybdenum, balance titanium and 0.94% nickel, 0.31% molybdenum, balance titanium.). "[ A ] prior art reference that discloses a range encompassing a somewhat narrower claimed range is sufficient to establish a *prima facie* case of obviousness." *In re Peterson*, 315 F.3d 1325, 1330, 65 USPQ2d 1379, 1382-83 (Fed. Cir. 2003). Further, a range can be disclosed in multiple prior art references instead of in a single prior art reference. See *Iron Grip Barbell Co., Inc. v. USA Sports, Inc.*, 392 F.3d 1317, 1322, 73 USPQ2d 1225, 1228 (Fed. Cir. 2004).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (setting forth test for implicit teachings); *In re Eli Lilly & Co.*, 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); and *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

In view of the above, the following may be concluded from the teachings of the prior art. The prior art discloses the combination of estrogens and progestogens in oral contraceptives, such as tablets, and that the equivalent dosages and dosage forms for estrogens and progestogens are known. The prior art discloses dose of norgestrel acetate of 2.5 mg-5 mg/day, estradiol or estradiol valerate at 1-2 mg/day or equine conjugated estrogen at 0.3 to 1.25 mg daily and



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transdermal estradiol at doses of 50 mcg and up to 100 mcg. The prior art discloses administration of estrogens and progestogens in cycles of 20, 21, 22, 23-25 days per 28 days. The prior art discloses that norgestrel acetate at said dosage levels results in very low levels of estradiol and that very low levels of estradiol can cause problems. The prior art also discloses that the equivalent dosages and dosage forms for estrogens and progestogens are known. The prior art discloses the combination of 5 mg/day of norgestrel acetate and 50 mcg/day transdermal estradiol in a cycle of 20 days/28 days for contraception which avoids the problems caused by progestogen only formulations. As such, in view of the above, one of ordinary skill in the art would have been motivated to combine norgestrel acetate at a dosage of 2.5 mg-5 mg/day with oral estradiol, ester thereof, such as valerate (1-2 mg/day) or equine conjugated estrogen (0.3 to 1.25 mg/day) with the expectation that the oral form of estradiol or equine conjugated estrogen at said dosages would be comparable to the transdermal estradiol in avoiding the problems of low estradiol levels due to administration norgestrel acetate and that a cycle of 20, 21, 22, 23-25 days/28 days would be effective in blocking pregnancies. Since the amounts and days disclosed in the prior art fall within, overlap or near that claimed, the ranges and amounts claimed are prima facie obvious in view of the prior art.

Applicant argues that the amount of estradiol in Jamin would not contribute to the contraceptive effect, however, Applicant provides no evidence of the same. Further, the prior art discloses that suppression of LH and FSH peaks is a function of both the estrogen and progestogen components of a combined oral contraceptive. As such, potentiation of the antiovarian activity of norgestrel by estradiol or its derivatives is not unexpected and the declaration of inventor Thomas does not appear to show unexpected activity. With respect to

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ratios, the claims do not require a specific ratio. In any case, the ratio difference between Jamin and the claimed invention is obviously the result of the use of transdermal estradiol in Jamin.

When comparable amounts of oral estrogens, such as estradiol at 1-2 mg, are substituted there is no patentably distinguishable difference between the prior art ratios and the ratio of at most 7.5 argued by Applicant. The fact that Jamin does not disclose the dosage of 1.5-3.75 of norgestrel or 0.5-3 mg of oral estradiol is not sufficient to overcome the rejection as the rejection is based on a combination of references. Further, there is no requirement that Jamin disclose a motivation to substitute oral administration for transdermal administration or disclose a motivation to administer the contraceptive specifically for 21-25 days.

Powers et al. is no longer part of the rejection herein. However, based on Martindale (1993) and Hodgen comparable and equivalent dosage forms for estradiol are well known in the art. As such, it would be well within the skill of one of ordinary skill in the art to substitute the transdermal estradiol with comparable amounts oral estradiol (which amounts, as indicated above, fall within the claimed ranges) with the expectation that the amounts of oral estradiol would potentiate the contraceptive activity of norgestrel and inhibit any symptoms of low estradiol levels caused by the administration of the norgestrel. To the extent that Applicant may argue that as background art, Powers et al. teaches away from the use of oral estradiol, in view of the wide use of oral contraceptives as indicated Martindale (1993) above, any differences between oral estradiol and transdermal estradiol do not constitute a teaching away from the use of oral estradiol. "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." *In re Gurley*, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994).

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Applicant argues that Bazin et al. teaches away from the claimed invention because the dose of 1.25 mg/day of nomegestrol acetate increased oestradiol concentration. However, said dosage is outside the claimed minimum dosage of 1.5 mg/day and, as indicated above, the dosages of 2.5 mg and 5 mg/day result in very low levels of oestradiol. As such, Bazin et al. does not teach away from adding estradiol to formulate a product in combination with nomegestrol acetate at the dosages of nomegestrol acetate claimed.

Applicant argues extensively as to what Paris et al. does not disclose, however, Paris et al. is only being cited for the disclosure that nomegestrol acetate is an effective contraceptive with low side effects. As indicated above, in a rejection based on a combination of references there is no requirement that Paris et al. disclose each and every element of the claimed invention. Obviousness does not require absolute predictability, as such, the fact that the tests were performed on rodents does not overcome the rejection. Applicant has not provided any evidence that one of ordinary skill in the art may not rely on tests performed on animals is said reference to predict or suggest the activity of the progestogen in women.

Hodgen is not required to disclose the use of nomegestrol acetate. However, there is ample motivation and incentive to use alternative progestogens as Hodgen itself discloses that alternative progestogens can be used in place of the specifically disclosed progestogen. Disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 440 F.2d 442, 169 USPQ 423 (CCPA 1971).

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Therefore, the claimed invention, as a whole, would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, because every element of the invention has been collectively taught by the combined teachings of the references.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2754179 (published 4/10/1998).

FR 2754179 discloses the combination of 1.5 to 3.75 mg or 2.5 mgs of nomegestrol acetate with 0.5 to 3 mg of estradiol, or 1.5 mg of estradiol, 2mg of an ester of estradiol, such as estradiol valerate, or 0.625 mg of conjugated equine estrogens in the form of oral dosage form, such as tablets, for contraception administered for 21-25 days per month (Page 3, lines 20-32, Page 4, lines 3-26, Claims 1-10, 13).

The prior art discloses the combination of 1.5 to 3.75 mg or 2.5 mgs of nomegestrol acetate with 0.5 to 3 mg of estradiol, or 1.5 mg of estradiol, 2mg of an ester of estradiol, such as estradiol valerate, or 0.625 mg of conjugated equine estrogens in the form of oral dosage form, such as tablets, for contraception administered for 21-25 days per month. The difference between the prior art and the claimed invention is that the prior art does not expressly disclose methods for contraception a method of achieving contraception by daily administering a oral composition for 21 to 25 days, a pharmaceutical composition comprising 0.5 mg to 3 mg of estradiol, an ester thereof , or equine conjugated estrogen and 1.5-3.75 of nomegestrol acetate. However, the prior art amply suggests the same as the prior art discloses oral dosages forms containing containing 21-25 days of the combination of an oral dosage of estradiol, ester of estradiol or conjugated equine estrogen and nomegestrol acetate in the amounts claimed used as a contraceptive and the use of estradiol valerate. As such, it would have been well within the

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skill of and one of ordinary skill in the art would have been motivated to modify the prior art as above with the expectation that the combination of said estrogen and said progestin would be effective as a contraceptive.

A claim complies with 35 USC Section 120 and acquires an earlier filing date, if and only if it could have been added to an earlier application without introducing new matter. See *Studiengesellschaft Kohl, m.b.h. v. Shell Oil*, 42 USPQ2d 1674, 1677 (Fed. Cir. 1997). Further, the disclosures of two earlier filed applications cannot be combined to acquire an earlier filing date under 35 USC Section 120. *Id.* Furthermore, notwithstanding that an embodiment may be obvious from the disclosure, this is insufficient to satisfy the written description requirement. See *In re Ruschig*, 154 USPQ 118, 123 (CCPA 1967) ("If n-propylamine had been used in making the compound instead of n-butylamine, the compound of claim 13 would have resulted. Appellants submit to us, as they did to the board, an imaginary specific example patterned on specific example 6 by which the above butyl compound is made so that we can see what a simple change would have resulted in a specific supporting disclosure being present in the present specification. The trouble is that there is no such disclosure, easy though it is to imagine it").

With respect to claims 1-10, said claims are only entitled to a priority date of 1/8/2004 as it does not appear that a single priority document discloses all limitations of claims 1-10. The line of cases represented by Application 09/423,108, having an effective priority date of 10/25/1999, recites a range of 21-28 days and 21-28 dosage forms and administering on the 1<sup>st</sup> day of the cycle, however, the limitation "21 to 25 days" does not require that the administration begins on the first day of the cycle. The line of cases represented by Application 09/284,147, having an effective filing date of 10/8/1996, recites a range of 21-25 days per month and cyclic

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administration of the oral contraceptives, however the limitation of "21 to 25 days" is not limited to a monthly cycle.

Therefore, the claimed invention, as a whole, would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, because every element of the invention has been collectively taught by the combined teachings of the references.

### ***Conclusion***

Applicant's amendment and submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §§ 609.04(b), 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

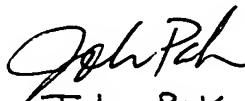
A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is 571-273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (571)272-0610. Examiner maintains a compressed schedule and may be reached Monday, Tuesday, Thursday, Friday, 6:00 am – 4:30 pm (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Dr. Johann Richter, can be reached at (571)272-0646. Additionally, Technology Center 1600's Receptionist and Customer Service can be reached at (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank Choi  
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August 25, 2006

  
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